

Abstract

This rigorous thesis entitled „Inheritance proceedings with focus on transfer of debts of the testator - natural person“ studies the inheritance proceedings from the perspective, respectively, with a focus on the transfer of debts of the testator to legal successors, as this area of law has undergone significant changes in previous years following the recodification of private law, and raising a number of questions of legal doctrine and practice, which have not been answered yet. With regard to current social developments, it can be assumed that debts will appear in the estates more frequently, and hence this topic deserves due attention.

This thesis is divided into three chapters. The first chapter focuses on the theoretical and legal definition of the inheritance proceedings themselves, including the position of a notary as an authorized court commissioner to perform acts of the court of first instance, and the definition of the debt institute, its concept, limitation, and transition to legal successors. The second chapter builds on the conclusions made in the previous chapter and sets them at the level of applicable procedural law, as it discusses the procedure of the court commissioner in resolving inheritance proceedings in which testator left debts. Attention is paid to the fundamental principles of inheritance law and inheritance proceedings.

The content of the third chapter focuses on the liquidation of the estate, which by its nature forms an almost independent proceedings within the scope of estate proceedings and which has undergone probably the most changes in the law of inheritance after the recodification of private law.

The conclusion of the thesis applies to a summary of the findings. While preparing this thesis, I relied mainly on legal regulations, their comments, professional literature and professional articles, case law of the Supreme and Constitutional Court and professional training organized by the Notary Chamber. An irreplaceable source was the experience gained in dealing with inheritance proceedings in my practice as a trainee notary.